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A FAITHFUL NARRATIVE OF THE PROCEEDINGS

In a late Affair between

The Rev. Mr. JOHN SWINTON,

AND

Mr. GEORGE BAKER,

Both of *Wadham* College, *OXFORD*:

WHEREIN

The REASONS, that induced Mr. *Baker* to accuse Mr. *Swinton* of *ſodomitical Practices*, and the TERMS, upon which he ſigned the Recantation, induſtriouſly publiſh'd in the *Daily Advertiſer*, *London Evening Poſt*, &c. are circumſtantially ſet down, and ſubmitted to the Publick:

To which is prefix'd,

A PARTICULAR ACCOUNT of the Proceedings againſt

Robert Thiſſlethwayte,

Late Doctor of Divinity, and Warden of *Wadham* College,

For a Sodomitical Attempt upon Mr. *W. French*, Commoner of the ſame College.

LONDON:

Printed in the Year M.DCC.XXXIX,

And ſold at the *Britannia* in the *Old-Baily*. [Price 6 *d.*]

Oxford, March 21, 1728-9.

YESTERDAY at a General Meeting of the Heads of Houses and Proctors, the Vice-Chancellor, Dr. Leigh, Master of Balliol College, represented, that the Rev. Mr. Swinton, Fellow of Wadham-College, had been cruelly injur'd in his Reputation by George Baker, B. A. Scholar of the same House; and that this appeared to him after a careful and thorough Examination of that Affair: Upon which all the several Persons then present express'd their utmost Indignation; and the Vice-Chancellor farther acquainting them, that Mr. Baker, being sensible of the great Injustice he had been guilty of, was ready to do what might be in his Power to repair this Injury, the following Confession and Recantation was then publickly read, and subscribed by Mr. Baker.

"I George Baker, Batchelor of Arts, and Scholar of "Wadham College in Oxford, do acknowledge, that I have "made a very unjust and inhuman Attempt to ruin the "Character of the Rev. Mr. Swinton, Fellow of the said "College, by reporting that he hath been guilty of a "Sodomitical Attempt; and that I had no Foundation or "Authority for any such Story. And I heartily ask his "Pardon, and the Pardon of the University, for it; being "sensible of the Folly and Injustice I have been guilty of."

George Baker.

Sign'd by George Baker, March 20, 1728-9, in the Presence of us,

Theoph. Leigh, D. D. Vice-Chancellor of the University of Oxon. & Master of Baliol College.
Jos. Smith, D. D. Provost of Queen's College, Oxon.
Jo. Mather, D. D. President of C. C. C. Oxon.
R. Newton, D. D. Principal of Hart-Hall, Oxon.
Jo. Conyers, L. L. D. Warden of New-College, Oxon.
Joh. Conybeare, D. D. Dean of Christ Church, Oxon.
Raf. Isham, D. D. Rector of Lincoln College, Oxon.
Rob. Wynne, M. D. Warden of Merton College, Oxon.
Tho. Cockman, D. D. Master of University College, Oxon.
Digby Cotes, [illegible] Magdalen-Hall, Oxon.
John Ratcliffe, [illegible] of Brasen-Nose College, Oxon.
Will. Gower, [illegible] of Exeter College, Oxon.
Geo. Huddesford, D. D. President of Trinity Col. Oxon.
Ed. Trahern, M. A. Senior Proctor, Fellow of Bracen-Nose College, Oxon.
E. Rayner, M. A. Junior Proctor, Fellow of Oriel College, Oxon.

PS. It was at the same time agreed, that Mr. Baker should give sufficient Security to Mr. Swinton and the University for his good Behaviour hereafter.

A FAITHFUL NARRATIVE, &c.

THE Recantation of Mr. *George Baker* of *Wadham* College, *Oxford*, in reſpect to the Rev. Mr. *Swinton*, of the ſame College, having been induſtriouſly publiſhed in the *Daily Advertiſer*, *London Evening Poſt*, &c. to the great, and ſeemingly deſerved, Diſgrace of the former; his Friends, who were under the higheſt Amazement upon the Appearance of that Publication, and no leſs Concern for a young Gentleman, of whom they had entertained very different Ideas, thought ſuch a Conceſſion under his Hand a kind of Prodigy worth enquiring into. Accordingly they ſpared no Pains to ſift the Affair to the Bottom, and as they found the Caſe upon the Reſult extremely remote from what it appeared in the Terms of the Recantation; their love of Juſtice, as well as Compaſſion for him, whoſe

Ruin they ſaw aimed at in ſo cruel a manner, (for tho' he *was not expelled the Univerſity* for the enormous Crime recanted, the Publication of the Form, in which he was made to recant, ſeemed deſigned *to expel him from human Society*;) theſe Motives induced them to draw up the following faithful Narrative of the whole Affair. It is preſumed, that the Circumſtances it contains, in ſhewing the Grounds upon which Mr. *Baker* acted, as well in reſpect to his Report concerning Mr. *Swinton*, as his Recantation of it; will not only juſtify him from the bad Appearances of the former, but be ſome Excuſe for the Indiſcretion, ſo injurious to himſelf, of the latter; the only Fault of which he is apprehended to be guilty: But that is ſubmitted to the Publick.

The Reader will not be diſpleaſed perhaps at our beginning with an Account of Dr. *Thiſtlethwayte's* Affair; as well becauſe it may gratify his Curioſity, as becauſe we judged it to have a neceſſary Connection with the more immediate Concern of our Narrative.

On *Saturday*, *Feb.* 3. 1739. *Robert Thiſtlethwayte*, late Doctor of Divinity, Warden of *Wadham* College, immediately after Divine Service in the Afternoon ſent his Servant the Manciple to Mr. *W. French*, Commoner of the ſaid College, a young Gentleman of about two Years ſtanding, as he was talking with ſome of his Fellow Collegiates in the Gateway; upon which he went directly to the Warden's Lodgings, and was not ſeen afterwards by any of his Friends till Supper-time Six o'Clock. Whilſt he

was

was ſitting with them at the ſame Table, they obſerved, that he was very much diſorder'd, and uneaſy at ſomething or other that had happened; and as they knew he had been with the Warden, they asked him whether the Warden had given him a *Jobation*, &c. to which he would give no Anſwer. When Supper was over, Mr. *French*, with two or three more, adjourn'd to a Gentleman's Room in the College to ſpend the Evening, where Mr. *French* was taken very ſick and vomited, to the Surprize of the Company. He afterwards ſate down, and behaved during the reſt of the Night as if he had been diſtracted, calling the Warden the worſt of Scoundrels and Villains. Such uncommon Behaviour amazed the Company, who begged to know what was the matter. *The matter*, ſaid he, *the Murther of one's Father, or whole Family is nothing to it; you can't conceive any thing bad enough*: But he would not tell them what it was. When they found that, they waved the Diſcourſe: Mr. *French*, however, could not ſit in Peace during the whole Night; but ſeemed full of Horror and Amazement. All *Sunday* he continued in the ſame Condition, ſometimes ſhedding Tears, and ſometimes calling the Warden the worſt of Names in the moſt publick Manner; often ſaying, that it was in his Power to expel him. During all this Time his Acquaintance did not ſuſpect the real Cauſe, but imagined it ſomething very bad. On the *Monday* Mr. *French* invited Mr. *George Baker*, and ſome few more of his Acquaintance to Breakfaſt with him, when the Gentlemen, who had been with

Mr. *French* before, told Mr. *George Baker* in what an unaccountable Manner Mr. *French* had behaved ever ſince he came from the Warden's Lodgings; repeating the Names he called him; in what Manner he threaten'd him; and that he ſaid it was in his Power to expel him. Upon hearing theſe Things, Mr. *Baker* adviſed Mr. *French* to be more cautious in what he ſaid of the Warden; for, if it came to his Ears he would certainly expel him. Mr. *French* anſwered very warmly, that he could make good every thing he ſaid, and inſiſted, that he could have the Warden expelled whenever he pleaſed. Mr. *Baker* then told him, if the Warden had acted to him in a Manner ſo villainous as to exceed Paricide, *&c.* and he was well aſſured of the Sufficiency of his Evidence, that he ought to apply to ſome Magiſtrate, and not talk of it publickly in all Companies; for that was the way to put the Warden upon beginning with him firſt. After ſome farther Converſation, in which Mr. *French* was adviſed not to talk ſo freely as he had done; Mr. *Baker*, and all the Company, except one Gentleman, went away. Mr. *Baker* dined with the Gentleman, who ſtaid behind with Mr. *French*, the ſame Day, who gave him an Account of every Thing Mr. *French* had ſaid; and from his Expreſſions, and the Manner in which he behaved, they both concluded that it muſt be ſome Iniquity of a very deep dye. Whilſt they were gueſſing what it was moſt likely to be, Mr. *Baker* recollected, that, about a Fortnight before, it had been ſuggeſted to him, that *the Warden did not love Women.* As the Perſon who

Mr. Charles D'Oyly A. M. of Wadham College.

who told him this, had been just complaining of the Warden's ill Uſage of him in reſpect to his Buſineſs, and might therefore ſay ſuch a Thing of him out of Ill-will, (tho' the Man is of a fair Character, and behaved well after,) he took no Notice of it at that time; and the rather, becauſe it was generally believed, that the Warden was over-familiar with a certain Woman in *Oxford*. This, however, coming into his Thoughts on the preſent Occaſion, upon comparing Circumſtances, the other Gentleman and himſelf concluded it moſt probable, that the Warden had made a ſodomitical Attempt upon Mr. *French*. In Conſequence, as Mr. *Baker* had always been very intimate with Mr. *French*, his Neighbour in the Country, and his profeſſed Friend, he reſolved to go to him, to enquire into the Matter, and adviſe him how to proceed, in caſe it was as he imagined. Accordingly, when he returned to College, he went to Mr. *French*'s Room, where he found him walking by himſelf in a very melancholy and diſconſolate Condition. Mr. *Baker* told him he was very ſorry that any thing ſhould give him ſo much Trouble and Anxiety; that he was come as a Friend, to offer him all the Service in his Power, and inſiſted that he ſhould tell him what it was that afflicted him. Mr. *French* anſwered, that he muſt tell it one time or other, but that he choſe rather to defer it till he had taken his Batchelor's Degree; being apprehenſive that if he ſhould attack ſo powerful an Adverſary as the Warden before, and ſhould miſcarry by any Means, that he ſhould be expelled,

and

and consequently ruined. Mr. *Baker* then told him, that by all the Circumstances he had heard from him, and from what he remembered to have been suggested to himself some little time before, concerning the Warden, the Thing could be nothing but Sodomy; and that, if the Warden had made any such Attempt upon him, he was indispensably obliged to divulge it, and bring him to Justice. Mr. *French* upon this seemed very desirous to prosecute the Warden, if he could do it with Safety to himself; and Mr. *Baker* insisting upon the Obligation he was under to make it known, for the good of the College, University, &c. and assuring him, that he should not want Friends to assist him; he replied, that if there was any other Fellow in Town besides Mr. *Swinton*, he would disclose it to him; but that he did not care to let Mr. *Swinton* into it, tho' his Tutor, lest he should do his utmost to quash it. Mr. *Baker* then told him, That should be no Obstacle; for he would dispatch a special Messenger for one of the Fellows the next Morning. After this Mr. *Baker* and Mr. *French* spent the Evening together, and Mr. *French* disclosed the whole Matter to him. The next Day the Gentleman Mr. *Baker* had sent for (the Rev. Mr. *Stone*,) came to *Oxford*, and after having heard the Affair, he thought it of such Consequence, as made it proper to call in more Advice. On *Wednesday* Morning therefore a second Messenger was dispatched for another of the Fellows, (the Rev. Mr. *Watkins*,) who came to College the same Night, when a Letter was sent to *London* for the Advice of Council. On

Thursday

Thurſday Morning the Fellows ſent for Mr. *French*; and, for better Security, thought proper, that Mr. *French* ſhould give an Account of the whole Affair under his Hand. Accordingly, in the Preſence of the aforeſaid two Fellows, *James Birt*, Batchelor of Arts, and Mr. *George Baker*, he ſigned a Declaration at large, of which the Particulars are judged too groſs and obſcene to be repeated, and ſuch as amounted to the moſt notorious ſodomitical Attempt conceivable.

Nothing more was done till the Advice of Council come down by the Poſt on *Friday*. This was, That Mr. *French* ſhould apply to a Juſtice of Peace, particularly the Vice-Chancellor, and make an Affidavit of the whole Affair. As Mr. *French* had no poſitive Evidence beſides himſelf, and the Warden's Influence and Fortune, gave Reaſon to apprehend that he might find Means, and Proſtitutes, that would ſwear any thing to bring him off, which could not happen without involving Mr. *French* in great Difficulties and Misfortunes; his Friends in College adviſed him not to open the Matter to a Magiſtrate, till he had firſt communicated it to his Father. Hereupon, Mr. *French* ſet out on the *Saturday* for his Father's Houſe, with a preſſing Letter to him from Mr. *Baker*, who was well acquainted with him; and both came to *Oxford* the *Thurſday* following. The old Gentleman on his Arrival expreſſed very great Concern for what had happened, and was inexorably determined upon Juſtice. One of the Fellows of the College, (*George Wyndham*, Eſq; Barriſter at Law,)

being

being expected in *Oxford* on *Friday* Night, the Opening of the Affair to the Vice Chancellor was put off till *Saturday* Morning. That Gentleman came at the Time, and advised old Mr. *French* and his Son to lay the Thing before the Vice Chancellor on *Saturday* Morning. Accordingly, Mr. *Baker* went with the old Gentleman and his Son to the Vice Chancellor, to whom he opened the Occasion of their coming. The Vice Chancellor was engaged at that Time, and desired young Mr. *French* to get a Testimonium from his College, and come to him again between Eleven and Twelve. All this while, neither the Warden nor any Body else, except Seven or Eight of Mr. *French*'s Friends, knew any thing of what was transacting. Mr. *French*, his Son, with Mr. *Baker* returned to College, and Mr. *Baker* drew up a Form of a Testimonium, which young Mr. *French* carried to the Warden's Lodgings, in order to have it signed and sealed. The Warden, according to Custom, sent it round to all the Fellows in College, to know their Opinions; who all approved it. After this the Warden found fault with the Form of the Testimonium, and desired it might be drawn up in another. Having pointed out the Passages he did not approve, Mr. *Baker* wrote another with the Warden's Emendations. Mr. *French* went back with the new Form; at which time the Warden began to smell what he was about; and addressed himself to him in the following Terms. *Mr.* French, *I am sorry to find the firm Friendship, which has subsisted so long between you and me, is about to be broken off. In*

what

what manner? says Mr. *French*. *Why, I hear*, says the Warden, *that you are going to make known to the World my Behaviour to you some time ago in my Parlour. Yes, Sir*, says Mr. French, *I have been with the Vice Chancellor already, and am come to you with this Testimonium, to know whether you will sign it. Tell me whether you will or will not. Have you any Objections to my Character or Behaviour in College? No indeed, Sir*, says the Warden, *I always thought you the most regular Man in my College. Why then don't you sign my Testimonium? So I will, with all my Heart: But pray, my dear Mr.* French, *for God's sake, do conceal it; for we shall both be ruined, if you should make this known to the World.* Mr. *French* still insisted upon his signing the Testimonium directly; or that he would tell him plainly he would not do it: Upon which the Warden signed it. He then earnestly intreated Mr. *French* to conceal what had passed, and said, *My Dear, I'll give you any Thing; nay, all that I am worth in the World, if you will not expose me*; and continued for some time, praying, and making him the most tempting Offers to the same Purpose. Mr. *French* told him, as his final Answer, That he was the worst of Men; that if he could propose the most valuable Consideration in the World, he would not put it up, but would make his Behaviour known to the Publick; that he would prosecute him to the utmost Rigour, and desired no other Satisfaction than the Justice the Law would afford him. Mr. *French* then came out of the Warden's Lodgings in a great Passion, and cried out *Bribery, Bribery*, in the Col-

lege Quadrangle, where Ten or Twelve young Gentlemen were ſtanding, to whom he declared the Overtures the Warden had been making to him. The Teſtimonium was immediately after ſigned by all the Fellows in College.

Old Mr. *French*, and his Son, with Mr. *Baker*, waited again upon the Vice Chancellor, who appointed them to meet the Warden at his Lodgings at Six in the Evening. Old Mr. *French*, and his Son, Mr. *J. Birt*, Mr. *George* and *Nicholas Baker*, who were Witneſſes in the Affair, attended at the Time, where they found the Vice Chancellor, Dr. *Pardo*, Principal of Jeſus College, Counſellor *Wright*, Juſtices of the Peace, and the Warden of *Wadham*. Old Mr. *French* and his Son were firſt called in to the Juſtices, in order to the latter's giving his Depoſitions; previouſly to which, Dr. *Pardo*, in a Speech of almoſt an Hour long, repreſented in the ſtrongeſt Terms, the Difficulties and Dangers Mr. *French* was about to engage in, and the irrecoverable Misfortunes that would attend his not making good his Allegations. As Mr. *French* was conſcious of his juſt Grounds for the Accuſation, and the Sufficiency of his Evidence, thoſe Remonſtrances did not intimidate him, and he inſiſted that his Depoſitions ſhould be taken, which was granted. What he depoſed was the ſame in Subſtance with the above-mentioned Declaration ſigned before the Fellows of *Wadham*, with the Addition only of the Warden's Offers to induce him to conceal the Fact. The Depoſitions of the other Perſons, who were afterwards

called

called in, were only to prove Mr. *French*'s Sickneſs and Diſorder of Mind, before he divulged the Affair; and that they ſaw him come from the Warden's Lodgings, and cry out *Bribery*, *&c.* in the Quadrangle. After the Witneſſes had continued at the Vice Chancellor's till half an Hour after Ten at Night; the farther Examination was adjourn'd till the *Monday* Morning following, at half an Hour after Seven.

The next Day, *Sunday*, between Eleven and Twelve in the Forenoon, Mr. *French* and his Son went to the Rev. Mr. *Swinton*, who, as is ſaid before, was Tutor to the latter. The whole Diſcourſe turned upon this Buſineſs: And upon Mr. *Swinton*'s expreſſing his Concern that ſuch a Thing ſhould happen, and much Reſentment againſt the Warden, young Mr. *French* ſaid to him; Sir, I preſume, you very well remember, that you came to the Warden's Lodgings Yeſterday Fortnight in the Afternoon; that you found the Parlour Door bolted; that you waited ſome time before the Warden opened it; and that, when you came in, you found him and me together. Mr. *Swinton* replied, Yes, Sir, I very well remember it; and it was as you ſay. Mr. *French* then added, That Circumſtance was the moſt material Evidence to corroborate his own, and that therefore he hoped Mr. *Swinton* would be ſo good as to be at the Vice Chancellor's the next Morning, at half an Hour after Seven, in order to give it in. Mr. *Swinton* promiſed the Father and Son faithfully that he would not fail. They then parted. Young

Mr. *French* ſaw Mr. *Swinton* again the ſame Night, when he told him, that he had been with the Warden, ſince he and his Father were with him in the Morning, and that he had confeſſed all that Mr. *French* accuſed him of to be true. Several Times the ſame Evening Mr. *Swinton* called old Mr. *French* out of Company, and very earneſtly intreated him to put off the farther Examination before the Vice Chancellor for two or three Days, which he refuſed. Next Morning, being *Monday*, by Five o'Clock, before it was light, Mr. *Swinton*'s Bed-maker came and called old Mr. *French*, who lay in the College, out of his Bed, and told him the Warden and Mr. *Swinton* deſired to ſpeak with him. After ſome Perſuaſions the old Gentleman dreſſed himſelf, and went down into the Quadrangle where he found Mr. *Swinton* waiting for him, who conducted him to the Warden's Lodgings. The Warden was in his Parlour, with a good Fire, burnt Wine, Chocolate and Coffee. As ſoon as they were ſet down, after ſome Words had paſſed, the Warden and Mr. *Swinton* joined in intreating Mr. *French* in the moſt earneſt Terms to take his Son into the Country; telling him, that the Warden would provide handſomely for him. When the old Gentleman could not be prevailed on to conſent to that; Mr. *Swinton* deſired him to put off the farther Examination before the Vice Chancellor for two or three Days, and offered him a Paper to ſign, of which he does not know the Contents; and this he alſo refuſed. After this Diſcourſe had continued about half an Hour, Mr. *French*

was

was carried privately from the Warden's Lodgings through the Garden of the Warden and Fellows.

Between Six and Seven the ſame Morning, the Warden's Servant was ſent to the Vice Chancellor, to tell him that Mr. *French* and his Son had agreed to put off the farther Examination, till the *Wedneſday* following. Upon receiving that unexpected Meſſage, the Vice Chancellor ſent his Servant to *Wadham* College, to deſire Mr. *French* and his Father to come to him immediately. When they came, the Vice Chancellor told them the Meſſage he had received by the Warden's Servant; and aſked them if they had agreed to put off the Examination. Young Mr. *French*, in a very great Surprize, made anſwer, That no ſuch Propoſal had been made to him; that it was an Impoſition; and that he inſiſted upon the Affair's being brought on immediately. The Vice Chancellor then asked Mr. *French* Senior, Whether any ſuch Thing had been propoſed to him? He anſwered, That Mr. *Swinton* had asked him to put off the Hearing for two or three Days, which he had refuſed. The Vice Chancellor upon that appointed Nine o'Clock for attending before him; when another Gentleman (*Peter Maurice*, Scholar of the ſaid College,) depoſed concerning young Mr. *French*'s Behaviour after the Attempt had been made upon him.

Mr. *Swinton*, tho' he had promiſed young Mr. *French* his Pupil, and old Mr. *French*, ſo faithfully to be at the Vice Chancellor's, and to give his Evidence concerning what he knew, and tho' he had

expreſſed

expreſſed himſelf ſo much againſt the Warden, was ſo far from coming, that tho' he was diligently ſought after in moſt parts of the Town, he could not be found.

Mr. *French* was bound over to proſecute the Warden at the following Aſſizes, as the Warden and his Bail were in a Bond of two Hundred Pounds for his Appearance: Soon after which the Warden left *Oxford*.

Not long after the Warden diſappeared, about a Fortnight before the Aſſizes, *William Boxley*, a young Fellow, who was known to be very much in the Warden's Lodgings, and had been heard to drop ſome ambiguous Expreſſions, happened to be in a Gentleman's Room, where Five or Six more were together. The Hints that had eſcaped him made them ſo curious as to aſk him ſome Queſtions; and he confeſſed ſuch Things in reſpect to himſelf and the Warden, as occaſioned ſo much Laughter, that he was aſhamed, and would go on no farther. However, he told Mr. *Baker*, who was one of the Company, that if he would go down Stairs with him, he would tell him all in private. Accordingly, he declared in expreſs Terms, to him, and a third Perſon, Mr. *J. Birt*, whom Mr. *Baker* thought proper to call in, that the Warden had committed Sodomy upon him; deſcribing the Act in other Words. Mr. *Birt* and Mr. *Baker* waited upon the Vice Chancellor, and informed him of what they had heard, and from whom; but were told, That he had no Power to compel the Fellow: So that Affair dropt.

This

This *Boxley* had waited upon Mr. *Swinton* about two Years; and tho' what he reported of the late Warden had been told to Mr. *Swinton*, he continued to ſerve him, till the preſent Warden came down; who, upon hearing the Story, immediately turned the Fellow out of the College.

Before the Aſſizes came on, Mr. *French* and his Friends had Intelligence given them, that there were other Perſons, on whom the Warden had made ſodomitical Attempts. Theſe were *Robert Langford*, Butler of *Wadham* College, and *William Hodges* a Barber; both of whom were ſerved with Subpœna's to give Evidence at the Aſſizes.

Mr. *French*'s Evidence before the Grand Jury was exactly the ſame in Subſtance, as before the Vice Chancellor, and in his Declaration to the Fellows. Mr. *Swinton* who was ſerved with a Subpœna, proved, That he found the Warden's Door bolted, and Mr. *French* and him together. *Richard Harris* atteſted, That he went, by the Warden's order, on the *Saturday* before mentioned, to tell Mr. *French* that the Warden wanted to ſpeak with him; and that he came into the Parlour with the Warden's Wig, whilſt Mr. *French* and he were together. Mr. *J. Birt*, Mr. *P. Maurice*, and Mr. *Geo.* and *Nich. Baker*, depoſed the Manner of Mr. *French*'s Behaviour after the Attempt, as above.

The Evidence of *Robert Langford* the Butler, was to the following Effect: "That about five or ſix "Years ago the Warden invited him to Supper: "That the Warden and he ſet down (no body elſe "being

" being present,) and drank a Bottle of Wine to-
" gether, when the Warden began to talk and act in
" a beastly Manner; endeavouring to kiss and
" tongue him, and to put his Hand into his Breech-
" es; that he soon understood him, and desired
" him to be quiet, for he did not like such Usage:
" That the Warden, notwithstanding, persisted then,
" and at several other Times, and once in particular
" in a very violent Manner; upon which he ex-
" pressed great Resentment, and quitted the Room;
" resolving never to go into the Warden's Company
" again alone. He farther deposed, That the War-
" den had very frequently sent his Servant the Man-
" ciple to tell him he wanted to speak with him,
" and that the Servant added, the Warden was
" angry at his not coming, when he had been so of-
" ten sent for: That he told the Manciple his Rea-
" son; and bid him tell the Warden, that tho' he
" was assured he would turn him out of his
" Place in College, he would never come to him
" again; and that if he thought fit to inflict that
" Punishment upon him for not coming, the World
" should know his Reasons for it: That the Warden
" himself came once to his House; and that he was
" so far from treating him with Respect, that he took
" his Hat, and ran out of his House directly: That he
" used commonly to go out of the College the back
" way, to avoid being seen by the Warden from his
" Study Window, lest he should be obliged to go
" to him; that about two Years ago That happened
" to be the Case; for going Home from the Battery

" thro'

" thro' the Quadrangle, the Warden was looking " out of his Study Window, and called him: That " as there were ſeveral Gentlemen in the Quadrangle, " he did not know what to do, and thought it would " appear very odd if he refuſed to go to the Gover- " nor of the College, when he called him: That " therefore he went, and as ſoon as he came into the " Room the Warden began his Careſſes, trying to " kiſs him, *&c.* as before: That he begged him to " deſiſt, adding, he would expoſe him if he did " not: That upon the Warden's continuing his " Addreſſes, he told him, that he wondered Gen- " tlemen of his Fortune did not provide themſelves " with Women, or Wives, and not act in ſo vile " and beaſtly a Manner: That the Warden made " Anſwer, that he would not give a Farthing for " the fineſt Woman in the World; and that he " loved a Man as he did his Soul; at which, having " expreſſed his juſt Reſentment, he left him, and " never went to him after."

Mr. *Langford*, during the Proſecution, was ſolicited to be ſilent, but abſolutely refuſed all Propoſals upon that Head.

William Hodges, the Barber, depoſed, " That about " a Year and a half ago he went to ſhave the Warden, " about Eleven in the Forenoon: That the Warden " being dreſſed in his Gown and Caſſock, he put " his Nightgown over him, to avoid dawbing him: " That whilſt he was ſhaving him, he found ſome- " thing tickling about his Breeches, but thought at " firſt that it might be the effect of the Gown's not

" ſitting right upon the Warden, wherefore he al-
" tered the Poſition of it, and went on: That imme-
" diately after he found the Warden trying to introduce
" his Hand into his Breeches: That thereupon he aſked
" him what he meant: That the Warden anſwered,
" There is no Harm in this, my Dear; and talked to
" the ſame effect ſo long, that the Barber ſwore he
" would never ſhave him again, for he knew what
" he wanted, and that he was the wrong Perſon for
" his Purpoſe: That when he went Home he told
" his Maſter the Warden's Behaviour, and that he
" would ſhave him no more: That his Maſter de-
" ſired, tho' he did not continue to ſhave him, that
" he would go, however, for two or three Days; for
" if he did not go, that the Warden would ſuſpect
" he had told him, (his Maſter,) and it would be
" to his Prejudice: That accordingly he went again
" one Day, and as ſoon as he came into the Room,
" the Warden ſaid to him, How doſt do, my dear
" Barber? It's fine Weather, my dear Barber.
" How does thy Cock do, my dear Barber? Let
" me feel it; and then went to kiſs him: That
" upon this, he ſaid to the Warden, Damn you,
" you Son of a Bitch, what do you mean? And
" knocked him backwards into his Chair: that
" *Thiſtlethwayte* got up and attacked him again, as
" lewdly as before and that he again knocked him
" down, ran away, and never went near him after-
" wards."

The

The Grand Jury found the Bill *Nemine Contradicente*: The Warden was called upon to appear in Court at the Aſſizes, as were his Bail to bring forth his Body: But neither the one nor the other appeared.

WE come now to the more immediate Concern of this Publication, the Recantation of Mr. *Geo. Baker*; and as we have avoided Reflections in the foregoing Account, and confined our ſelves ſtrictly to Fact, we ſhall obſerve the ſame Simplicity in the following Relation, leaving the Deciſion upon the whole to the impartial Cenſure of the unprejudiced Reader, and believing, with *Hudibras*,

No Argument like matter of Fact is.

If we ſhould wrong any Body, we do not doubt but we ſhall hear of it with all the Rigours of the *ſummum jus*: But we have uſed one ſalutary Precaution, *viz.* Not to advance a Circumſtance that we cannot prove in *any Form*.

In *March* laſt, Mr. *Baker* received a Letter from a Gentleman in the Country, a Maſter of Arts, of *Wadham* College. He had heard of the Warden's Behaviour to Mr. *French*, and in what manner Mr. *Swinton* had acted during the Proſecution; and knew how remarkably intimate Mr. *Swinton* had been with the Warden, ever ſince the return of the former from *Italy*. Theſe Things gave him ſome Suſpicion; and he imagined, that ſomething might be diſcovered, by enquiring into a Circumſtance, that he recollected to have paſſed whilſt he was in College. *Francis Smith* and his Wife, who waited upon this Gentle-

man when at *Oxford*, had a Boy that ſerved them, who at that Time told his Maſter and Miſtreſs that he had lain with Mr. *Swinton*. No body then ſuſpected any thing of Mr. *Swinton*, but it was a Matter of Wonder, that he would take a Boy to Bed to him, who was very louſy, and ſo ragged and filthy, that the Gentlemen whom *Smith* ſerved in College would not ſuffer him to come into their Rooms.

After the breaking out of the ſodomitical Affair at *Wadham*, he thought fit to impart this Circumſtance for the ſake of farther Diſcoveries. Soon after Mr. *Baker* had received this Letter, he went to *Smith*, who is ſince gone from *Wadham* to *New College*, where he is Under-Porter, and told him what his *quondam* Maſter had ſuggeſted concerning Mr. *Swinton*, and the Boy that lived with him, when he belonged to *Wadham*. *Smith* made anſwer, That *Robert Truſtin*, his Servant at that time, not coming Home to Bed for two or three Nights, and neglecting his Buſineſs in the College in the Day, he ſuſpected that he either idled away his Time, or ſpent it in ſome Roguery; that therefore, when he came Home, he examined him, Where he had been, and why he did not aſſiſt him in College as uſual? That the Boy told him, he had been with Mr. *Swinton* in his Chamber, during that Time, to wait on him: That believing he lied, as Mr. *Swinton* had a Bed-maker of his own, who had a Wife and Servants under him, and that he only ſaid ſo to avoid Puniſhment, he beat him: That his Wife, hearing the Boy ſtill perſiſt in the ſame Story, aſked him where

he

he lay, while he was with Mr. *Swinton* in his Chamber; and told him that the Boy ſaid, that ſometimes her Ha
he ſat up in the great Chair, ſometimes lay down before the Fire, and that Mr. *Swinton* ſometimes bid him lie down on the Bed, which he accordingly did: That upon her telling him ſo, he was very angry with the Boy, and ſaid he would break his Bones, if ever he knew that he went near Mr. *Swinton*'s Bed again, for he would fill him full of Lice, and he ſhould have a fine Noiſe about it: That ſoon after, the Boy going to Mr. *Swinton*, told him that he (*Smith*) had beat him, and on what account; and that Mr. *Swinton* ſent for him, and told him he ſhould not have beat the Boy *Bob*; for that he had kept him, being out of order, to give him Medicines, and deſired that he would let the Boy continue to do ſo: That he conſented, not thinking any Harm of Mr. *Swinton*, who found the Boy in Victuals during the Time he was with him. Mr. *Baker* told *Smith*, in anſwer, That he wiſhed there was not ſomething more in this than was quite right, for Mr. *Swinton*'s late Behaviour in the Warden's Affair had given moſt of the College ſtrong Suſpicions of him. He then aſked *Smith* whether the Boy had ever dropp'd any thing ſince, tending to confirm ſuch Suſpicions; to which he anſwered, No. However, Mr. *Baker* concluded, that as the Thing ſeemed very ſuſpicious, it would not be amiſs to queſtion the Boy about it. A Day or two after, *Smith* brought the Boy to the *King's-Head* Tavern in *Oxford*, where Mr. *Baker*, and Three or Four more Gentlemen were

then

then in Company, who all went into a Room with *Smith* and the Boy. At the Sight of ſo many Strangers the Boy was confounded, and would ſay nothing; upon which every body left the Room except Mr. *Baker*, *Smith*, and the Boy, to whom one of the Gentlemen, that went out, gave a Penny, which was afterwards alledged to be given by Mr. *Baker*, by way of Bribe; how falſely will ſoon appear. The Boy then affirmed to Mr. *Baker* and *Smith*, that he uſed to lie in the Bed with Mr. *Swinton*; that Mr. *Swinton* uſed to tickle and play with him in the Morning; that he uſed to play with Mr. *Swinton*'s Cock, which uſed to ſtand; that Mr. *Swinton* uſed to kiſs him. Mr. *Baker* aſked him, Whether Mr. *Swinton* uſed to put his Tongue in his Mouth? to which the Boy anſwered, No. And then being aſked, whether Mr. *Swinton* did not uſe to get upon his Back, he anſwered, No; but ſaid, that he uſed to get upon his Belly, between his Thighs, and that he uſed to put his Cock into his A—h—, and that he felt ſomething warm come from him, and that he ſometimes made him wet between his Thighs. He was then aſked, Whether he ever gave Mr. *Swinton* Phyſick? to which he anſwered, No. Mr. *Baker* then gave *Smith* a Gill of Wine, (as he frequently did, on Account of his having been an old Servant,) of which *Smith* gave part to the Boy. After the Boy had ſaid theſe Things, in a Manner, that by no Means argued him an Idiot, as he was afterwards *judged* to be; Mr. *Baker* went out of the Room, and ſaid to *Smith*, *Frank*, it would be very improper for me to

give

give the Boy any Half-pence, becauſe, as it is probable, that this Affair will be farther enquired into, if it ſhould ever be ſaid, that I had given the Boy Money, it might be thought that I had bribed him, to ſay what he does of Mr. *Swinton*. After this, Mr. *Baker* ſaw the Boy no more, till he was ſent for by the Vice Chancellor; but *Smith* was with the Boy ſome time after, and aſked him, *Bob*, are you ſure that what you have told Mr. *Baker* and me is true? Yes, the Boy anſwered, it is all very true. *Smith* added, Be ſure to ſay nothing of Mr. *Swinton*, but what you are well aſſured to be true: The Boy ſaid he had not. Then *Smith* left the Boy for that Night. The Boy went almoſt every Night afterwards to *Smith*'s Houſe, where he ſeveral Times repeated what he had told Mr. *Baker* and *Smith* at the *King's-Head*, to *Smith*'s Wife, and once, accidentally, to *Smith*'s Brother-in-Law. The Boy added a Circumſtance he did not mention to Mr. *Baker*, which was this. Upon their aſking him, Whether Mr. *Swinton* did not hurt him when he put his Cock, &c. as above? Yes, ſaid the Boy. And did not you cry out? Yes, and Mr. *Swinton* bid me be quiet, and be a good Boy. The Boy was particularly cautioned by thoſe Perſons, every time he ſpoke of the Affair, to be ſure to tell the Truth, and to ſay no more than what he knew to be true. After the Boy had in this manner confirmed Mr. *Baker* in his Suſpicion, he thought it incumbent on him to acquaint the Fellows of the College with the whole, and accordingly invited the Sub-Warden, and one of the ſenior

Fellows

Fellows to ſpend the Evening with him at his Room. He there told them all that paſſed from his receiving the Letter, in which the Affair was firſt ſuggeſted to him, till then. The Sub-Warden and the other Gentleman thought proper, that Mr. *Bowditch*, another of the Fellows ſhould be acquainted with the Thing the next Morning at Breakfaſt; at which Time he was deſired to tell Mr. *Swinton* what was alledged againſt him. This he did that Morning, being *Friday*. The ſame Evening *Smith* and his Wife ſaw the Boy again, who told them, that he had been before the Vice Chancellor. Upon which *Smith* asked him who Mr. *Swinton* ſent for him? The Boy anſwered, *John Kimber*. This *Kimber*, as was ſaid above, is Mr. *Swinton*'s Bed-maker. Well, ſays *Smith*, and what did Mr. *Kimber* ſay to you? The Boy anſwered, In *Friar's Entry* he bid me deny every Thing I had told you and Mr. *Baker*, and he would give me ſomething next *Sunday*. Well, ſays *Smith*, and did you deny before the Vice Chancellor what you told me and Mr. *Baker*? Yes, ſays the Boy. And why did you, you Dog? Becauſe, anſwered the Boy, they ſaid I ſhould do ſo. He then ſaid to *Smith*, Maſter, Shall I be hanged? It was in the Morning *Kimber* went for the Boy, but he was not carried before the Vice Chancellor till the Evening, when, as Mr. *Baker* afterwards found, he had denied every thing he had ſaid to him and *Smith*; and had ſaid, that Mr. *Baker* had given him Money, *&c.* to ſay as above of Mr. *Swinton*. The next Morning, being *Saturday*, Mr. *Baker* was ſent for, as were *Smith* and his Wife, to come

before

before the Vice Chancellor, with whom he found Dr. *Pardo* and Mr. *Wright*, Juſtices of the Peace, one of the ſenior Proctors, Mr. *Swinton*, and the Boy. The Vice Chancellor told Mr. *Baker*, that Mr. *Swinton* was come to complain of him, for having ſpread a Report about the Town, that he had been guilty of Sodomy with the Boy there preſent. Mr. *Baker* replied, He never had reported, that Mr. *Swinton* had poſitively committed Sodomy upon the Boy; but that he had told ſome Friends, what the Boy had ſaid to him and *Francis Smith*. Mr. *Baker* then went on to inform the Vice Chancellor, in what manner the Thing had been ſuggeſted to him in a Letter from a Gentleman of *Wadham* College, who remembered that *Smith* and his Wife, who had waited upon him as a Nurſe in College, had told him, that Mr. *Swinton* had borrowed the Boy of him to give him Phyſick, and that the Boy, upon being aſked where he lay, had ſaid, with Mr. *Swinton*. *Smith* and his Wife were then queſtioned upon that head, who both declared, that Mr. *Swinton* did borrow the Boy of them, at the Time when that Gentleman was in College, to give him Phyſick, as he ſaid, becauſe he was out of order, and wanted ſome body to wait on him: That after the Boy had been two or three Days with Mr. *Swinton*, they aſked him where he lay, and that the Boy anſwered, with Mr. *Swinton*; they added, that the Boy was with Mr. *Swinton* a Fortnight or three Weeks. The Vice Chancellor then told Mr. *Baker*, that the Boy and Mr. *Swinton* had been with him the Night before; and that the

Boy affirmed, that Mr. *Baker* had extorted what he ſaid of Mr. *Swinton* from him; and that Mr. *Baker* had given him Money. Mr. *Baker* then told him all that had paſſed; in what Manner he had uſed the Boy; and what the Boy had told him and *Smith*. Mr. *Baker* added, what he ſaid to *Smith*, in reſpect to giving the Boy Money, on leaving the Room; which both Mr. *Baker* and *Smith* offered to ſwear. The Vice Chancellor then ſaid to the Boy, *Did Mr. Swinton ever put his Cock into your A—b—?* *Yes ſometimes*, ſays the Boy: After which the Boy both affirmed and denied almoſt all the Queſtions that were aſked him. Mr. *Baker* then told the Vice Chancellor what the Boy had ſaid the Night before to *Smith* and his Wife; *viz.* that Mr. *Swinton*'s Bed-maker had bid him deny every thing he had told him and *Smith*. The Vice Chancellor aſked the Boy, whether Mr. *Swinton*'s Bed-maker had ſaid ſo to him: To which the Boy anſwered, *Yes*. But upon being aſked the ſame Queſtion again, he denied it. *Smith* and his Wife then offered to take their Oaths, that the Boy had ſaid ſo to them but the Night before. Mr. *Swinton*'s Bed-maker was then called in; and he offered to ſwear, that he had ſaid nothing more to the Boy, than that he ſhould be ſure to ſpeak the Truth; and that he never knew that the Boy lay in the Bed with Mr. *Swinton*; but that when he came into Mr. *Swinton*'s Room in the Morning, he found the Boy either in a great Arm-Chair, or lying on the Hearth: but as to this Witneſs, the Magiſtrates did not put him to his Oath. Mr. *Swinton* ſaid, that he was in

a very high Fever, and that wanting some body to wait on him, he borrowed the Boy to give him Physick; that the Boy was next to an Idiot; that he never lay in his Bed, but that he lay before the Fire upon the Hearth, or in a great Chair. It was then urged, that the Boy might more probably speak Truth to such People as *Smith* and his Wife, with whom he was familiar, than before the Vice Chancellor and that Company, whose Presence might confound and awe him so much, as to make him prevaricate in the Manner he did. The Vice Chancellor then told Mr. *Baker*, that there was no Stress to be laid on such an Evidence; that he was much to be blamed for taking away a Clergyman's Character with no better Foundation, *&c.* and added, that the least Mr. *Baker* could do, would be to ask Mr. *Sedinton*'s Pardon publickly, and acknowledge, that he was very sorry for what he had done, and that he had done wrong, *&c.* Mr. *Baker* answered, Mr. Vice Chancellor, If I make such an acknowledgment, I shall say what I don't believe to be true; and therefore I do not care to do it. He added, that his only Motives for what he had done, were for the good of his College, and the Publick in general; and the Perſuaſion, that after the Affair had been made known to him in so clear a manner, it was his Duty, as well as every Man's in the Univerſity, as they had all suffered in their Characters upon *Hystlethwayte*'s Account, to have their Eyes about them, and not to suffer even the Suſpicion of so great a Crime to escape them. Mr. *Baker* soon after left the Vice

Chancellor, and in two or three Days went to him again; when the Vice Chancellor made Mr. *Baker* ſenſible of the great Power he had over him by the Statute of the Univerſity concerning Defamation, by which he could either oblige him to recant, impriſon, or expel him. At the ſame time, he ſhewed Mr. *Baker* the Form of the Recantation, which Mr. *Swinton* inſiſted upon. Mr. *Baker* anſwered, That it was very hard, a Man ſhould be obliged to ſubmit in ſuch a Manner for his good Intentions of bringing the moſt pernicious Crimes to light: That the Recantation was worded in ſuch Terms, as could not but imply in the ſtricteſt Manner, that he had intentionally, and without any Grounds whatſoever, endeavoured to ruin the Character of Mr. *Swinton*. The Vice Chancellor himſelf ſaid then, that the Terms were too ſtrong, and that he had drawn up another in milder Words to the following Effect: *That Mr.* Baker *had* CONDUCED *to the ſpreading of ſuch a Report; and that he had not a* PROPER FOUNDATION *for it.* This Mr. *Baker* approved much more than the firſt, tho' he perſiſted to think it very hard, that he ſhould be obliged to ſtoop to a Perſon he ſtill believed undoubtedly guilty. When the Vice Chancellor ſhewed Mr. *Swinton* the milder Form of his own drawing up, he objected to it, and inſiſted that the firſt ſhould be ſigned. The Vice Chancellor upon that ſent again for Mr. *Baker*, and told him Mr. *Swinton* would not be ſatisfied with his mild Form, but inſiſted on the other. Mr. *Baker* replied, that if he recanted in thoſe Words,

he ſhould be guilty of ſaying a great Falſhood; and hoped he ſhould not be obliged to ſign what he believed far from true. He added, that he had a very great Opinion of the Vice Chancellor's Candor and Integrity, and that he would entirely ſubmit to what he ſhould think moſt adviſeable and prudent for him to do. The Vice Chancellor anſwered, Really Mr. *Baker*, I think you had better do it, and then it will be all over. Mr. *Baker* then aſked for a Copy of the Recantation, in order to ſhew it to his Friends, and conſult them about it; which the Vice Chancellor gave him: He alſo deſired, that the ſigning of the Recantation might be deferred for a Day, till his Friends came to Town; but that was abſolutely refuſed. About a Quarter of an Hour before the Time fixed for his ſigning this Recantation, his Friends, who were juſt come from *London*, ſent for him, and as ſoon as they had heard as much of the Matter, as the ſhortneſs of the Time would admit, they all, not only adviſed, but enjoined him, not to ſign it in that Form; for it would be much better to be expelled, than to ſign a Thing ſo injurious to his Reputation, and ſo contrary to Truth, and his real Sentiments. The Hour fixed for his Appearance before the Heads of Houſes being come, he left his Friends, fully determined not to recant in the manner propoſed, and went into the Schools. He there ſent one of the Beadles for the Vice Chancellor, to whom Mr. *Baker* ſaid, that he was come from ſome of his Friends, who were juſt before returned to *Oxford*, and they adviſed him not to ſign the Recantation upon

on any Account; and that he would not sign it in the Form proposed. Mr. *Baker* continued, Mr. Vice Chancellor, You must be very sensible, that every Thing contained in this Recantation, is directly the reverse of my real Sentiments; and that it is expressed in such Terms, as will admit of no other Construction, but that I have designedly, and without any Grounds whatsoever, endeavoured to ruin Mr. *Swinton*'s Character. The Vice Chancellor replied, That such strong Expressions were only *matter of Form*, as in the Case of Indictments, in which Words were used of much stronger Signification, literally accepted, than what in reality true: and then he repeated several Forms of Law of that kind. Mr. *Baker* answered, That as it was *matter of Form* he would sign it, but not otherwise. He then said to the Vice Chancellor, Sir, I put my self into your Hands: do you think I can do this with Prudence or Safety? To which the Vice Chancellor replied, that he might do it very safely, and that it was his best way to do it. Some little Time after, Mr. *Swinton* and Mr. *Baker* were called into *Golgotha*, before the Heads of Houses, and Mr. *Baker* signed the Recantation. The Vice Chancellor asked Mr. *Swinton*, Whether he was satisfied? To which he replied, Yes; and that he required nothing farther from Mr. *Baker*. The Dean of *Christ-Church*, (the Rev. Dr. *Conybeare*) then said to the Vice Chancellor, that he had something to move, if Mr. *Baker* would retire. Accordingly, Mr. *Baker* withdrew, and when he came in again,

he

he found, they had agreed, that he ſhould give a Bond for his good Behaviour to Mr. *Swinton*: with which Mr. *Baker* made no difficulty to comply.

About four or five Days after, Mr. *Baker*, to his great Amazement heard, that the Form he had ſign'd was to be inſerted in the News Papers. Upon that Information he went to the Vice Chancellor, under pretext of knowing, upon what Day he ſhould wait on him to give the above-mentioned Bond, and at the ſame time took Occaſion to tell him, That he was told Mr. *Swinton* intended to publiſh the Recantation, which he had ſigned, in the News Papers; and that if he ſhould be ſuffered to do ſo, his Character, and himſelf, in Conſequence, would be entirely ruined; for the World, not knowing the Conditions on which he ſigned it, would take the Words in their literal Senſe, and conclude him the vileſt and moſt abandoned Wretch in Nature; and he was infinitely afflicted, that he had been guilty of ſo great a Weakneſs. The Vice Chancellor anſwered, That ſome of the Heads of Houſes, were ſcarce ſatisfied with That only; and were for having the Statutes put farther in force againſt him, and for expelling him. Mr. *Baker* replied, That if what was expreſſed in the Recantation was true, and his real Sentiments, and if he had accuſed a Clergyman of ſo horrid a Crime without any Foundation, as it ſpecifies, he not only deſerved to be expelled the Univerſity but the World; for that a Perſon capable of ſo notorious a Wickedneſs, was not worthy of continuing a Mem-

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ber of any Society whatsoever. He added, himself (the Vice Chancellor) would be much [illegible] for suffering such a Person, as he should [illegible] to be known that Publication, to continue a Member of the University. After some few more Words passed to this Purpose, the Vice Chancellor appointed Mr. *Baker* to attend at the Professors of Law [illegible] Mr. *Baker* gave a Bond of one hundred [illegible] his future good Behaviour to Mr. [illegible] *Johnson* gave Mr. *Baker* a general Release.

The Reader has here the whole Circumstances of this Affair, from first to last, without [illegible] Relation, and as they were [illegible] Apology that could be made [illegible] the proper to give [illegible] simple Dress in which they were collected. If [illegible] be any Objection made to the Truth of any one [illegible] them, the next Relation of it, to prove its Veracity [illegible] will be by Depositions upon Oath, which are ready

THE END

[illegible]